

**NOTICE OF PROPOSED CHANGES IN BUILDING STANDARDS OF THE  
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT,  
REGARDING THE SENATE BILL 1953 MANDATE (STATUTES OF 1994, C. 740)  
CALIFORNIA CODE OF REGULATIONS, TITLE 24,  
PART 1 (Building Standards Administrative Code),  
PART 2 (California Building Code)  
REGULATIONS FOR SEISMIC RETROFIT OF HOSPITALS**

Notice is hereby given that the California Building Standards Commission (CBSC) proposes to adopt, approve, codify, and publish building standards contained in the California Code of Regulations (CCR), Title 24, Parts 1 and 2 on behalf of the Office of Statewide Health Planning and Development (Office).

**PUBLIC HEARING**

A public hearing has not been scheduled; however, written comments will be accepted from June 30, 2000, until 5:00 p.m. on August 14, 2000. Please address your comments to Stan Nishimura, California Building Standards Commission, 1130 K Street, Suite 101, Sacramento, California 95814. Pursuant to Government Code Section 11346.5, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

**AUTHORITY AND REFERENCE**

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Sections 130005, 130010, 130020, 130050, 130060, 130065, and 130070. The Office is proposing this regulatory action based on Health and Safety Code Sections 1275, 18949.3, 127010, 127015, and 130005.

**INFORMATIVE DIGEST**

**Summary of existing laws related directly to the proposed action:**

The Alfred E. Alquist Hospital Facilities Seismic Safety Act (Alquist Act) of 1983 establishes, under the jurisdiction of the Office, a seismic safety building standards program for general acute care hospitals constructed on or after March 7, 1973.

Statutes of 1994, Chapter 740 (SB 1953) amended the Alquist Act. These statutory requirements are now chaptered into law in Health and Safety Code Sections 130000 through 130070 et seq. These provisions mandate the Office to develop procedures and regulations to ensure that by January 1, 2030 all general acute care hospitals in California are substantially compliant with the Alquist Act. The intent is that these compliant hospital facilities will be reasonably capable of providing services to the public after a seismic event. The law required the Office to develop the seismic regulations in two phases. The Phase I regulations were the Seismic Evaluation Procedure Regulations. The Phase II regulations became known as the Seismic

Retrofit Regulations. The law deemed these regulations an emergency and required their adoption as such.

Both the Seismic Evaluation Procedure Regulations and the Seismic Retrofit Regulations serve as the basis for this proposed action. As the proposed language amends both the Seismic Evaluation Procedure Regulations and the Seismic Retrofit Regulations, it still falls under the mandates of SB 1953, was deemed an emergency, and was adopted as such.

**Summary of existing regulations related directly to the proposed action:**

Existing regulations directly related to this proposed action are codified in Title 24, Part 1, Chapter 6 and Part 2, Chapter 16B. These regulations represent the Seismic Evaluation Procedure Regulations and the Seismic Retrofit Regulations required by the Alquist Act (chaptered into Health and Safety Code Sections 130000 through 130070 et seq.). The regulations' purpose is to ensure that all general acute care licensed hospitals in California are substantially compliant with the Alquist Act and will be reasonably capable of providing services to the public after a seismic event.

The Regulations include both the evaluation procedures for hospital owners to submit seismic evaluation reports, compliance plans and schedules to the Office as required by the Alquist Act and the seismic retrofit building standards that hospitals must comply with when retrofitting older hospital buildings.

**Summary of the effect of the proposed action:**

The effect of the proposed regulations constitutes amendments to both the Seismic Evaluation Procedure Regulations (Phase I) and Seismic Retrofit Regulations (Phase II) mandated by SB 1953. The purpose of these regulations is to ensure that by January 1, 2030 all licensed general acute care hospitals in California are compliant with the Alfred E. Alquist Hospital Facilities Seismic Safety Act (Alquist Act) and will be reasonably capable of providing services to the public after a seismic event.

This proposal includes revisions to both Phase I and Phase II Regulations. The proposed language defines and clarifies the seismic evaluation requirements for compliance with the regulations.

These proposed regulations will amend Title 24, Parts 1 and 2 as follows:

Part 1 – Amend Chapter 6

Part 2 – Amend Chapters 16B

**Comparable Federal Statute or Regulations:**

There are no comparable federal statutes or regulations.

**Small Business Affect:**

The proposed regulations have no affect on small businesses.

**MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS**

None

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

The Office has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

**FISCAL IMPACT STATEMENT**

- A. Fiscal effect on state government: No.
- B. Fiscal effect on federal funding on State programs: No
- C. Fiscal effect on local agencies: No
- D. Fiscal effect on school districts: No
- E. Fiscal effect on private persons or businesses directly affected, as considered by the Office during the regulatory development process: No.

**ECONOMIC IMPACT ON BUSINESSES**

The Office finds that the adoption of this regulation would not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. The Office has not considered proposed alternatives that would lessen any adverse economic impact on businesses.

The specific intent of this submittal is to clarify existing regulation language. This submittal specifies which provisions from existing regulations a hospital facility should utilize to comply with the seismic evaluation procedure requirements. Additionally, editorial corrections were made to properly reference “renumbered” code sections, or the appropriate edition of the building code. Therefore, no adverse impact to business results from this submittal, nor is the ability of California businesses to compete with businesses in other states affected.

**FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE**

The proposed regulations are an amendment to the seismic regulations required under the auspices of the Alfred E. Alquist Hospital Facilities Seismic Safety Act requiring all general acute care hospital buildings in California to be substantially compliant with the provisions of the Act by January 1, 2030.

**ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION, OR CREATION**

**The Office has assessed whether or not and to what extent this proposal will affect the following:**

The creation or elimination of jobs within the State of California: N/A

The creation of new businesses or the elimination of existing businesses within the

State of California: N/A

The expansion of businesses currently doing business with the State of California: N/A

This regulation submittal would have no impact on California Businesses. The specific intent of this submittal is to clarify existing regulation language. This submittal specifies which provisions from existing regulations a hospital facility should utilize to comply with the seismic evaluation procedure requirements. Additionally, editorial corrections were made to properly reference “renumbered” code sections, or the appropriate edition of the building code. Therefore, any impact would be the result of prior regulatory language already in effect.

### **SIGNIFICANT EFFECT ON HOUSING COSTS**

The Office has determined that this proposal would not have a significant effect on housing costs.

### **EFFECT ON PRIVATE PERSONS**

The Office must determined that no alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

### **POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed regulations substantially as proposed in this notice or with modifications which are sufficiently related to the original proposed text and notice of proposed regulatory activity. If modifications are made, the full text of the proposed action with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulations. The CBSC will accept written comments on the modified regulations during the 15-day period.

### **SPECIFIC OR TECHNICAL QUESTIONS**

Specific questions regarding the regulations should be addressed to Susan M. Botelho Office of Statewide Health Planning and Development, (916) 654-2012.

### **AVAILABLE DOCUMENTS**

The Office has prepared and has available for public review an Initial Statement of Reasons (ISOR) for the proposed action, all the information upon which the proposal is based, and the express terms of the proposed action. Copies of the ISOR and the regulation text are available upon request by contacting the CBSC, at (916) 323-6363. The CBSC contact will also make available upon request the location of public records, including reports, documentation, and other materials, related to the proposed action.